

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Case No. 0:19-cr-00183-ADM-KMM

Plaintiff,

v.

ORDER

2. JOAQUIN BARAJAS-GARCIA,

Defendant.

This matter is before the Court on Mr. Barajas-Garcia's motion to suppress statements he made to law enforcement officers at the Hennepin County jail on June 6, 2019. The Court held an evidentiary hearing on the motion on September 4, 2019, and the parties filed post-hearing briefing. The government relies on *Miranda* warnings provided to Mr. Barajas-Garcia in English during a June 5, 2019 interview that occurred in a police squad vehicle to support its position that his statements on June 6th are admissible. In his reply brief, Mr. Barajas-Garcia asks the Court to reopen the evidentiary hearing to receive additional testimony from White Bear Lake Police Investigator Isaac Tuma, who conducted the June 5th interview. Reply at 2, ECF No. 54.

The government's reliance on the June 5th English *Miranda* warnings first became clear in its post-hearing briefing. The Court does not suggest that the government's argument is improper, but under the circumstances, Mr. Barajas-Garcia only recently learned that Investigator Tuma's testimony regarding the the June 5th interview would be relevant to his suppression motion. The Court advised the parties by email that it intended to reopen the hearing, and the government did not object. Accordingly, the Court finds that reopening the record is appropriate so that Mr. Barajas-Garcia may further examine Investigator Tuma. *See United States v. Gill*, 513 F.3d 836, 846 (8th Cir. 2008) (reviewing district court's decision on request to reopen a suppression hearing for abuse of discretion).

Accordingly, **IT IS HEREBY ORDERED THAT** the Court will hold a continued evidentiary hearing **on Tuesday, November 12, 2019, at 9:00 a.m.**, at the United States Courthouse, 300 South 4th Street, Minneapolis, MN 55415, in Courtroom 8E. The Court will not take Mr. Barajas-Garcia's motion to suppress statements under advisement until after the continued hearing is completed and any additional briefing is filed.

Date: November 7, 2019

s/Katherine Menendez
Katherine Menendez
United States Magistrate Judge